

- (2) The Appeals Board cannot consider the affidavit claimant attached to his brief to the Appeals Board. Claimant has attempted to introduce additional evidence to the Appeals

Board, by way of affidavit, that was not part of the record before the Administrative Law Judge. The respondent and insurance carrier properly objected to the Appeals Board considering the proffered evidence. The Appeals Board's scope of review is upon questions of law and fact as presented and shown by a transcript of the evidence and the proceedings before the Administrative Law Judge. See K.S.A. 44-555b.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge John D. Clark entered in this proceeding on December 7, 1994, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of February, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

cc: Richard J. Sanborn, Wichita, KS
Dana D. Preheim, Wichita, KS
John D. Clark, Administrative Law Judge
George Gomez, Director